

**REMARKS/ARGUMENTS**

Reconsideration of the application is respectfully requested for the following reasons:

**Amendment to Claims**

The main substantive change to the claims is the added recitation of “(a plurality of gate structure on said substrate) except not on said buried conductive region” in Claim 1. Amended Claim 9 has a similar recitation. Claims 14-20 have been cancelled. It is respectfully submitted that this change is clearly supported by the description of the application and accompanied drawings, and therefore does not constitute new matter.

**Drawing Objection**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). In response, Applicant has amended Figures 1B and 1D by adding reference 110. It is respectfully requested that the Examiner approve such changes.

**Claim Objections**

The claims are objected to because of informalities. In response, Applicant has accordingly corrected these informalities according to the Examiner’s suggestion.

**Rejection of Claims 1-2, 4-7, 9-10, 12-14, and 17-19 under 35 USC 102(b)**

Claims 1-2, 4-7, 9-10, 12-14, and 17-19 stand rejected under 35 USC 102(b) as being anticipated by Lee ‘564.

This rejection is respectfully traversed on the basis that Lee ‘564 does not disclose that the “gate structures” are “not (positioned) on said buried conductive region” as claimed. It is well settled that a “claim is anticipated only if each and every elements as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil. Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

First, the claimed invention is directed to a nonvolatile memory array, in which the gate structures (e.g., word lines) are “not (positioned) on said buried conductive region (e.g., source line)” as claimed and shown, for example, in Figure 2D and the corresponding description. To the contrary, in the disclosure of Lee ‘564, the ” word line stack gate 130 ... connected to the buried source line 120” (column 5, lines 40-42, and FIG. 2). Second, the claimed “gate structures’ are positioned “on said substrate” in the present application. Instead, in the arrangement of Lee ‘564, the word line stack gate 130 “is formed in the substrate 100” (column 3, lines 57-60), particularly the bottom section is “in” the substrate 100 and “connected to the buried source line 120.”

Accordingly, Applicant believes that the claimed invention is not anticipated by Lee ‘564.

Rejection of Claims 1-4, 6-12, and 14-20 under 35 USC 102(b)

Claims 1-4, 6-12, and 14-20 stand rejected under 35 USC 102(b) as being anticipated by Lee ‘471.

This rejection is also respectfully traversed for the similar reasons that Lee ‘471 does not disclose that the “gate structures” are “not (positioned) on said buried conductive region” as claimed. According to Lee ‘471, for example FIG. 1D to FIG. 1F, the gate structure 124 is nevertheless positioned “on the buried conductive region (i.e., buried source line) 118.” In other words, the gate structure 124 overlaps the buried conductive region 118.

For the reasons discussed above, Applicant believes that the claimed invention is not anticipated by Lee ‘471.

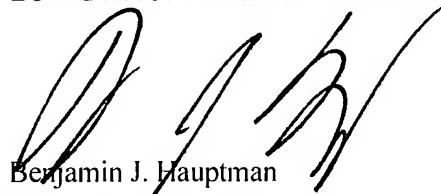
Having thus overcome the rejections made in this Office Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the

filings of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: November 12, 2004

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to FIG. 1B and FIG. 1D. This sheet, which includes FIGs. 1B-1D, replaces the original sheet including FIGs. 1B-1D. In Figures 1B and 1D, previously omitted reference 110 has been added. Further, a line indicating the upper surface of the region 110 has been added, making the drawings complete.

Attachment: Replacement Sheet